

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**SUSAN ROBERTS, *Guardian of the
Person and Estate of Dillon Roberts,***

Plaintiff,

No. 3:13-cv-447-DRH-PMF

vs.

**BILLY DARNELL, and CITY OF ST.
FRANCISVILLE, ILLINOIS,**

Defendants.

ORDER

HERNDON, Chief Judge:

This matter is before the Court on defendants Billy Darnell and City of St. Francisville, Illinois' (collectively "defendants") motion for abstention and dismissal (Doc. 25). Defendants request that the Court dismiss this action pursuant to *Colorado River* abstention because plaintiff has filed a similar state cause of action. *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976). More specifically, defendants assert that the state court case and the federal case involve the same parties and the same incident and that the issues are substantially the same. Plaintiff has not responded. Pursuant to Local Rule 7.1(c) the Court considers plaintiff's failure to respond as an admission on the merits.

Accordingly, the Court **GRANTS** defendants' motion for abstention and dismissal (Doc. 25) and **DISMISSES** this action **without prejudice**.

IT IS SO ORDERED.

Signed this 21st day of May, 2014.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2014.05.21
15:13:07 -05'00'

Chief Judge
United States District Court